

RETURN DATE: JANUARY 7, 2020

: SUPERIOR COURT

LEAH KENDRICK AND LESLIE STIEBER, CO-  
ADMINISTRATRIXES OF THE ESTATE OF DANIEL  
KENDRICK  
VS.

: J.D. OF DANBURY  
: AT DANBURY

THE MONTFORT GROUP, MONTFORT BROTHERS, : DECEMBER 6, 2019  
INC. AND NEW MILFORD BLOCK & SUPPLY CORP.

### **COMPLAINT**

#### **COUNT ONE:** (The Montfort Group; negligence)

1. The plaintiffs bring this action pursuant to Sec. 52-599 of the Connecticut General Statutes in their capacities as Co-Administratrixes of the Estate of Daniel Kendrick (the "decedent") and/or for wrongful death pursuant to Sec. 52-555 of the Connecticut General Statutes.
2. On or about June 7, 2019, and for some time prior thereto, the defendant, The Montfort Group, either directly or through its agents and/or subsidiaries, managed, possessed and/or controlled an industrial complex located at 574 Danbury Road in New Milford, Connecticut (hereinafter the "premises").
3. At all relevant times, the defendant invited members of the public, including persons working on the premises such as the plaintiffs' decedent, to enter upon the premises.
4. It was the duty of the defendant, either directly or through its agents and/or

subsidiaries, to exercise care to maintain the premises in a reasonably safe condition for persons lawfully thereon.

5. On or about November 16, 2010, the plaintiff was lawfully upon the premises when he fell onto a conveyer belt and was pulled into the in-running nip point at the tail pulley (the "incident"), sustaining the injuries hereinafter set forth.

6. The incident was caused by the carelessness and negligence of the defendant in one or more of the following ways:

- a. It failed to have in place adequate and/or appropriate emergency stop devices, making the premises dangerous for use and/or it failed to require its agent and/or subsidiary to have such devices in place;
- b. It failed to have in place side rails which extended 42 inches above the top of the access level or landing platform serviced by one or more ladders and/or it failed to require its agent and/or subsidiary to have such rails in place;
- c. It maintained in place stairs which were installed at an angle greater than 50 degrees from the horizontal and/or it permitted its agent and/or subsidiary to do so;

- d. It maintained in place stairs which were not protected by a self-closing gate or offset and/or it permitted its agent and/or subsidiary to do so;
- e. It failed to keep all walking-working surfaces in clean, orderly and/or sanitary condition, thereby creating a slipping/tripping hazard and/or it failed to require its agent and/or subsidiary to keep such surfaces in such condition;
- f. It maintained the premises in the aforesaid dangerous condition and/or it permitted its agent and/or subsidiary to do so;
- g. It failed to properly warn of the dangerous condition and/or it permitted its agent and/or subsidiary to do so;
- h. It created the unsafe condition and/or it permitted its agent and/or subsidiary to do so; and
- i. It otherwise failed to exercise due care in maintaining the premises.

7. As a result of said incident, the plaintiffs' decedent was forced to suffer the following injuries, some or all of which may be permanent in nature:

- a. Blunt injury to the head;

- b. Compressive injury to the head;
- c. Blunt injury to the trunk;
- d. Compressive injury to the trunk; and
- d. Death.

8. As a result of said incident, the plaintiffs' decedent was forced to suffer pain and the complete loss of his enjoyment of life's leisure activities.

9. As a further result of said incident, the plaintiffs and/or the Estate were forced to expend money for medical care and/or funeral charges.

10. As a further result of said incident, the plaintiffs' decedent suffered the complete loss of his income and his future earning capacity.

**COUNT TWO: (Montfort Brothers, Inc.; negligence)**

1. The plaintiffs bring this action pursuant to Sec. 52-599 of the Connecticut General Statutes in their capacities as Co-Administratrixes of the Estate of Daniel Kendrick (the "decedent") and/or for wrongful death pursuant to Sec. 52-555 of the Connecticut General Statutes.

2. On or about June 7, 2019, and for some time prior thereto, the defendant, Montfort Brothers, Inc., either directly or through its agents and/or subsidiaries, managed, possessed and/or controlled an industrial complex located at 574

Danbury Road in New Milford, Connecticut (hereinafter the "premises").

3-10. Paragraphs 3-10 of Count One are hereby realleged as paragraphs 3-10 of Count Two.

**COUNT THREE:** (Montfort Brothers, Inc.; piercing corporate veil)

1. The plaintiffs bring this action pursuant to Sec. 52-599 of the Connecticut General Statutes in their capacities as Co-Administratrixes of the Estate of Daniel Kendrick (the "decedent") and/or for wrongful death pursuant to Sec. 52-555 of the Connecticut General Statutes.

2. On or about June 7, 2019, and for some time prior thereto, the defendant, Montfort Brothers, Inc., so controlled and/or dominated the affairs of its subsidiary/affiliate, the defendant, New Milford Block & Supply Corp., that said two defendants were inseparable and were operated as one entity to the degree that it would be inequitable to make a legal distinction between them.

3. At all relevant times, the defendant, New Milford Block & Supply Corp., operated as a part of The Montfort Group.

4. At the History page of its website, <http://montfortgroup.com/history/>, the defendant, Montfort Brothers, Inc., asserts that "The Montfort Group is made up of three locations; Montfort Bros., Inc, New Milford Block and Supply Corp. and

Federal Block Corp.”

5. At that same webpage, the defendant states publicly that “All employees of the Montfort Group are dedicated professionals with a wealth of knowledge and experience”.

6. The defendant, Montfort Brothers, Inc., has asserted publicly that New Milford Block and Supply Corp. is a location of The Montfort Group and has made public representations about “all employees” of the Montfort Group, including those at its New Milford Block & Supply “location”.

7. Also at its website, at the New Milford Block and Supply page, <http://montfortgroup.com/new-milford-block-supply/>, the defendant, Montfort Bros., Inc., calls upon its customers in Connecticut to “Contact Tom Gluck at 203-733-8624 for a free consultation”.

8. Further, at its website, at the Contact page, <http://montfortgroup.com/contact/>, the defendant, Montfort Bros., Inc., lists the defendant, “New Milford Block & Supply Corp. at 574 Danbury Road, New Milford, CT 06776” as a point of contact for its customers.

9. Further, at its Contact page, the defendant, Montfort Bros., Inc., lists its own email address as MB@Montfortgroup.com and it lists that of the defendant, New

Milford Block & Supply Corp., as NMB@Montfortgroup.com.

10. On or about June 7, 2019, and for some time prior thereto, the defendant, New Milford Block & Supply Corp., owned, managed, possessed and/or controlled an industrial complex located at 574 Danbury Road in New Milford, Connecticut (hereinafter the "premises").

11. At all relevant times, the defendant, New Milford Block & Supply Corp., invited members of the public, including persons working on the premises such as the plaintiffs' decedent, to enter upon the premises.

12. It was the duty of the defendant, New Milford Block & Supply Corp., to exercise care to maintain the premises in a reasonably safe condition for persons lawfully thereon.

13. On or about November 16, 2010, the plaintiff was lawfully upon the premises when he fell onto a conveyer belt and was pulled into the in-running nip point at the tail pulley (the "incident"), sustaining the injuries hereinafter set forth.

14. The incident was caused by the carelessness and negligence of the defendant, New Milford Block & Supply Corp., in one or more of the following ways:

- a. It failed to have in place adequate and/or appropriate emergency

stop devices, making the premises dangerous for use;

- b. It failed to have in place side rails which extended 42 inches above the top of the access level or landing platform serviced by one or more ladders;
- c. It maintained in place stairs which were installed at an angle greater than 50 degrees from the horizontal;
- d. It maintained in place stairs which were not protected by a self-closing gate or offset;
- e. It failed to keep all walking-working surfaces in clean, orderly and/or sanitary condition, thereby creating a slipping/tripping hazard;
- f. It maintained the premises in the aforesaid dangerous condition;
- g. It failed to properly warn of the dangerous condition;
- h. It created the unsafe condition; and
- i. It otherwise failed to exercise due care in maintaining the premises.

15. At its Facebook page, [https://www.facebook.com/pg/New-Milford-Block-Supply-Corp-1608580306097358/about/?ref=page\\_internal](https://www.facebook.com/pg/New-Milford-Block-Supply-Corp-1608580306097358/about/?ref=page_internal), the defendant, New



Milford Block & Supply Corp., lists "<http://www.montfortgroup.com>" as its website.

16-19. Paragraphs 7-10 of Count One are hereby realleged as paragraphs 16-19 of Count Three.

20. At all relevant times, Montfort Brothers, Inc. controlled New Milford Block & Supply Corp., Inc.

21. At all relevant times, the defendant, New Milford Block & Supply Corp., Inc., was not adequately capitalized.

22. Montfort Brothers, Inc. and New Milford Block & Supply Corp., Inc. were operated as a single entity.

23. New Milford Block & Supply Corp., Inc. lists Jay Montfort as its Principal Executive Officer with the New York Secretary of State.

24. New Milford Block & Supply Corp., Inc. lists the principal place of business of the defendant, Montfort Brothers, Inc. as the "Residence Address" of its President, Darren Barlow, with the Connecticut Secretary of State.

25. Montfort Brothers, Inc. and New Milford Block & Supply Corp., Inc. did not, at all relevant times, maintain a formal legal separation between their business affairs.

26. The plaintiffs are entitled to pierce the corporate veil of the defendant, New Milford Block & Supply Corp., Inc., and reach the defendant, Montfort Brothers, Inc.

**COUNT FOUR:** (New Milford Block & Supply Corp., Inc.; intentional creation of dangerous condition substantially certain to cause injury)

1. The plaintiffs bring this action pursuant to Sec. 52-599 of the Connecticut General Statutes in their capacities as Co-Administratrixes of the Estate of Daniel Kendrick (the "decedent") and/or for wrongful death pursuant to Sec. 52-555 of the Connecticut General Statutes.

2. On or about June 7, 2019, and for some time prior thereto, the defendant, New Milford Block & Supply Corp., Inc., owned, managed, possessed and/or controlled an industrial complex located at 574 Danbury Road in New Milford, Connecticut (hereinafter the "premises").

3. At all relevant times, the defendant hired and trained its employees, including the plaintiffs' decedent, to work on the premises to the benefit of the defendant, New Milford Block & Supply Corp., Inc.

3. It was the duty of the defendant, New Milford Block & Supply Corp., Inc., to exercise care to maintain the premises, including all equipment on the premises, in a reasonably safe condition, and to properly train its employees as to the

operation of all equipment on the premises.

4. On or about June 7, 2019, the plaintiff was employed by the defendant, New Milford Block & Supply Corp., Inc., and was working at its premises when he fell onto a conveyer belt and was pulled into the in-running nip point at the tail pulley (the "incident"), sustaining the injuries hereinafter set forth.

5. The injuries sustained by the plaintiff arose in the course of his employment and was caused by the intentional activities of the defendant, New Milford Block & Supply Corp., Inc., which created a substantial certainty that an injury would occur.

6. At all times mentioned herein, the plaintiff was working as an employee of the defendant, New Milford Block & Supply Corp., Inc., and was performing duties at the request and authorization of the defendant.

7. The injuries of the plaintiff were caused by the defendant, New Milford Block & Supply Corp., Inc, in one or more of the following ways:

- a. It failed to have in place adequate and/or appropriate emergency stop devices, making the premises dangerous for use;
- b. It failed to have in place side rails which extended 42 inches above the top of the access level or landing platform serviced by one or

more ladders;

- c. It maintained in place stairs which were installed at an angle greater than 50 degrees from the horizontal;
- d. It maintained in place stairs which were not protected by a self-closing gate or offset;
- e. It failed to keep all walking-working surfaces in clean, orderly and/or sanitary condition, thereby creating a slipping/tripping hazard;
- f. It maintained the premises in the aforesaid dangerous condition;
- g. It failed to properly warn of the dangerous condition;
- h. It created the unsafe condition; and
- i. It otherwise failed to exercise due care in maintaining the premises.

8-11. Paragraphs 7-10 of Count One are hereby incorporated as paragraphs 8-11 of Count Four.

THE PLAINTIFF

BY: \_\_\_\_\_

Jonathan Perkins  
Perkins and Associates  
30 Lucy Street  
Woodbridge, CT 06525  
Tel. No. 203-397-1283  
Juris No. 421154

RETURN DATE: JANUARY 7, 2020

: SUPERIOR COURT

LEAH KENDRICK AND LESLIE STIEBER, CO-  
ADMINISTRATRIXES OF THE ESTATE OF DANIEL  
KENDRICK

: J.D. OF DANBURY

: AT DANBURY

VS.

THE MONTFORT GROUP, MONTFORT BROTHERS, DECEMBER 6, 2019  
INC. AND NEW MILFORD BLOCK & SUPPLY CORP.

The plaintiff claims:

1. Monetary damages;
2. Such other and further relief as the court deems fair and equitable.

THE PLAINTIFF

BY: \_\_\_\_\_

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**STATEMENT OF AMOUNT IN DEMAND**

The amount, legal interest or property in demand is greater than  
\$15,000.00, exclusive of interest and costs.

THE PLAINTIFF

BY: \_\_\_\_\_

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